

REMARKS

Reconsideration of the present application as amended is respectfully requested. Claims 1, 14, 20, and 31 have been amended. Support for the amendments to claims 1, 14, 20, and 31 can be found at at least page 15, lines 17-32 of the application as originally filed. New claims 35-38 have been added. Claims 1-38 are currently pending.

Claims 20 has been objected to because of the following informalities: The Office Action asserts that the limitation "said first digital message contains said first record as well as a second record to identify said telecommunication apparatus" lacks antecedent basis and is not disclosed in the original application. Applicant respectfully disagrees. Support for this feature of independent claim 20 can be found at at least page 15, lines 17-32 and claims 20, and 24-25 of the application as originally filed. For example, page 15, lines 17-23 of the application describes that "the first SMS message 81 contains a request for availability check, Avail_Chk_Request, followed by the telephone number of the intended receiver, i.e. MS B, as well as the telephone number of the requestor, i.e. MS A", that "the latter telephone number is available in a record 103 in memory 45 of the mobile station 10 (MS A)", and that "the first telephone number, i.e. that of MS B, may also have been stored, at an earlier moment, in a record 102 in the memory 45 by the user 49." Applicant respectfully requests that the objection to independent 20 be withdrawn.

Claims 14, 15, 31, and 34 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,218,628 to Ito et al. ("Ito"). Independent claim 14 has been amended to clarify that the subscriber is a subscriber of mobile telecommunication services. In particular, independent claim 14 has been amended to include the steps of "providing an option for an individual subscriber of mobile telecommunications services to select at least one other subscriber of mobile telecommunications services, keeping record of the selected subscriber of mobile telecommunications services, determining an operational status of the selected subscriber of mobile telecommunications services, and transmitting the determined operational status to the individual subscriber of mobile telecommunications services."

In the Response to Arguments section of the Office Action regarding claim 14, the Office Action asserts that column 9, lines 61-68 of Ito teaches "keeping record of the selected

wired line user (i.e., subscriber)." Applicant respectfully submits that the cited portion of Ito does not describe keeping a record of a selected wire line user as asserted, rather the cited portion of Ito describes storing a status of use of the wired lines. Applicant respectfully submits that storing a status of use of wired lines as described by Ito is not analogous to keeping record of a selected subscriber of mobile telecommunication services as found in independent claim 14, as Ito describes storing the status of use of the wired lines themselves not keeping record of a selected subscriber of mobile telecommunication services. Furthermore, Applicant respectfully submits that Ito contains no teaching or suggestion that the wired line user is a subscriber of mobile telecommunication services.

Regarding column 7, line 31-42 of Ito, Applicant respectfully submits that the cited portion of Ito describes selecting an idle phone line, not selecting at least one wired line user as asserted in the Office Action. Applicant respectfully submits that selecting an idle phone line is not analogous to selecting at least one other subscriber of mobile telecommunication services as found in independent claim 14. Applicant respectfully submits that Ito fails to teach or suggest at least the feature of independent claim 14 of "providing an option for an individual subscriber of mobile telecommunications services to select at least one other subscriber of mobile telecommunication services." Regarding column 9, lines 61-68 and column 10, lines 1-2 of Ito, Applicant respectfully submits that the cited portion of Ito describes displaying status of use information of wired lines, not "keeping record of the selected subscriber of mobile telecommunications services" as found in independent claim 14. Regarding column 7, lines 7-12 and 24-30, the cited portion of Ito describes indicating the status of use of wired lines. Applicant respectfully submits that the cited portion of Ito contains no teaching or suggestion of determining a status of a user of the wired lines. Applicant respectfully submits that Ito fails to teach or suggest at least the feature of independent claim 14 of "determining an operation status of the selected subscriber of mobile telecommunications services." Applicant respectfully submits that independent claim 14 as amended distinguishes over Ito and requests that the 35 U.S.C. 102(b) rejection of independent claim 14 be withdrawn.

Independent claim 31 has been amended to include the feature of "in response to receiving said request from said user, generating a first digital message by reading a first record, which is available in the first telecommunication apparatus, to identify the remote

telecommunication apparatus and incorporating into the first digital message said first record as well as a second record, which is available in the first telecommunication apparatus to identify said telecommunication apparatus." Applicant respectfully submits that Ito fails to teach or suggest at least this feature of independent claim 31 as amended. Applicant respectfully submits that independent claim 31 distinguishes over Ito and requests that the 35 U.S.C. 102(b) rejection of independent claim 31 be withdrawn.

Claims 15 and 34 are dependent upon and include the features of independent claims 14 and 31, respectively. For at least the reasons discussed with respect to independent claims 14 and 31, Applicant respectfully submits that claims 15 and 34 distinguish over Ito and requests that the 35 U.S.C. 102(b) rejection of claims 15 and 34 be withdrawn.

Claims 1 and 3-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,052,563 to Macko ("Macko") in view of U.S. Patent No. 6,542,732 to Khazaka et al. ("Khazaka"). Independent claim 1 as amended includes the features of "the memory comprising a phonebook capable of storing a plurality of phonebook entries, each entry representing a respective subscriber other than the user of the telecommunication apparatus and an associated telephone number, the phonebook being accessible through the man-machine interface, wherein: the phonebook is capable of storing, for at least one of the phonebook entries, information about an operational status of a respective subscriber other than the user of the telecommunication apparatus; and the controller is adapted to update the operational status information of the at least one phonebook entry in response to status data, which are received through the radio interface."

Regarding independent claim 1, the Office Action asserts that the abstract, Fig. 1, Fig. 4, and column 7, lines 31-42 of Macko teaches that an "appointment book (i.e. phonebook) is capable of storing, for at least one of the appointment book entries, information about an appointment type (i.e. operational status) of a respective user (i.e. subscriber)." Applicant respectfully disagrees that the "appointment book" of Macko can be equated with the "phonebook" of independent claim 1. As described in column 8, lines 9-56, the "appointment book" of Macko stores information representing daily appointments or a schedule for a user of a communication device. In contrast, a "phonebook" such as described on page 8, lines 9 to 34 of the present application, includes telephone numbers, among other information, associated with

subscribers other than the user of the phonebook. Furthermore, even if the "appointment book" of Macko could be read on the "phonebook" of independent claim 1, Applicant respectfully submits that Macko fails to teach or suggest the feature of independent claim 1 of "a phonebook capable of storing a plurality of phonebook entries, each entry representing a respective subscriber other than the user of the telecommunication apparatus and an associated telephone number."

The Office Action appears to equate an "appointment type" described by Macko with "information about an operational status of a respective subscriber" as found in independent claim 1. However, it is unclear to Applicant how an appointment type of an appointment book can be equated with "information about an operational status of a respective subscriber other than the user of the telecommunication apparatus." Applicant respectfully submits that Macko fails to teach or suggest at least the feature of independent claim 1 of wherein "the phonebook is capable of storing, for at least one of the phonebook entries, information about an operational status of a respective subscriber other than the user of the telecommunication apparatus."

The Office Action further asserts that Figure 1, column 2, lines 11-22, and column 3, lines 10-20 of Macko teaches that "the controller is adapted to change (i.e. update) the operational status information of the at least one phonebook entry in response to receiving a message (i.e. status data), which are received through the receiver (i.e., radio interface)." However, as previously discussed, Macko fails to teach or suggest use of a "phonebook" much less teach or suggest "updating the operational status information of the at least one phonebook entry in response to status data" as found in independent claim 1.

The Office Action acknowledges that Macko does not specifically teach "a phonebook capable of storing a plurality of phonebook entries, each entry representing a respective subscriber and an associated telephone number." The Office Action asserts that the abstract, Fig. 1, and column 3, lines 46-54 of Khazaka teaches this feature. The Office Action further asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Macko to incorporate a phonebook capable of having this feature as asserted to be taught by Khazaka. The Office Action still further asserts that the motivation for the modification is to "have doing so in order to save time for a caller to retrieve a telephone number for a particular person to make a call." Khazaka describes a system having a phonebook

storage area to store a plurality of destination telephone numbers and associated names. Applicant respectfully disagrees that one of ordinary skill in the art would be motivated to modify the appointment book of Macko to include the phonebook of Khazaka. As previously discussed, Macko describes an appointment book for storing appointment information for a particular user. There appears to be no teaching or suggestion in Macko that would motivate one of ordinary skill in the art to include a phonebook as taught by Khazaka.

Furthermore, even if a person of ordinary skill in the art at the time of the invention was motivated to combine the teaching of Macko with those of Khazaka, Applicant respectfully submits that he or she would not arrive at the invention of claim 1. Independent claim 1 includes the feature of wherein "the phonebook is capable of storing, for at least one of the phonebook entries, information about an operational status of a respective subscriber other than the user of the telecommunication apparatus." Applicant respectfully submits that neither Macko nor Khazaka teaches or suggests this feature. Applicant respectfully submits that independent claim 1 distinguishes over Macko in view of Khazaka and requests that the 35 U.S.C. 103(a) rejection of independent claim 1 be withdrawn.

Claims 3-9 are dependent upon and include the features of independent claim 1. For at least the reasons as discussed with respect to independent claim 1, Applicant respectfully submits that claims 3-9 distinguish over Macko in view of Khazaka and requests that the 35 U.S.C. 103(a) rejection of claims 3-9 be withdrawn.

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Macko and in view of Khazaka and further in view of Ito. Claim 2 is dependent upon and includes the features of independent claim 1. As discussed with respect to independent claim 1, Macko in view of Khazaka fails to teach or suggest the aforementioned distinguishing features of independent claim 1. Applicant respectfully submits that Ito also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 2 distinguishes over Macko and in view of Khazaka and further in view of Ito and requests that the 35 U.S.C. 103(a) rejection of claim 2 be withdrawn.

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Macko and in view of Khazaka and further in view of U.S. Patent No. 6,226,529 to Bruno et al.

("Bruno"). Claim 10 is dependent upon and includes the features of independent claim 1. As discussed with respect to independent claim 1, Macko in view of Khazaka fails to teach or suggest the aforementioned distinguishing features of independent claim 1. Applicant respectfully submits that Bruno also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 10 distinguishes over Macko and in view of Khazaka and further in view of Bruno and requests that the 35 U.S.C. 103(a) rejection of claim 10 be withdrawn.

Claims 11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Macko and in view of Khazaka and further in view of U.S. Patent No. 6,675,010 to Yeh ("Yeh"). Claims 11 and 13 are dependent upon and include the features of independent claim 1. As discussed with respect to independent claim 1, Macko in view of Khazaka fails to teach or suggest the aforementioned distinguishing features of independent claim 1. Applicant respectfully submits that Yeh also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claims 11 and 13 distinguish over Macko and in view of Khazaka and further in view of Yeh and requests that the 35 U.S.C. 103(a) rejection of claims 11 and 13 be withdrawn.

Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Macko and in view of Khazaka and further in view of U.S. Patent No. 6,661,773 to Pelissier et al. ("Pelissier"). Claim 12 is dependent upon and includes the features of independent claim 1. As discussed with respect to independent claim 1, Macko in view of Khazaka fails to teach or suggest the aforementioned distinguishing features of independent claim 1. Applicant respectfully submits that Pelissier also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 12 distinguishes over Macko and in view of Khazaka and further in view of Pelissier and requests that the 35 U.S.C. 103(a) rejection of claim 12 be withdrawn.

Claims 16 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Macko. Claims 16 and 33 are dependent upon and include the features of independent claims 14 and 31, respectively. As discussed with respect to independent claims 14 and 31, Ito fails to teach or suggest the aforementioned distinguishing features independent claims 14 and 31. Applicant respectfully submits that Macko also fails to teach or suggest these

distinguishing features. Applicant respectfully submits that claims 16 and 33 distinguish over Ito in view of Macko and requests that the 35 U.S.C. 103(a) rejections of claims 16 and 33 be withdrawn.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Bruno. Claim 17 is dependent upon and includes the features of independent claim 14. As discussed with respect to independent claim 14, Ito fails to teach or suggest the aforementioned distinguishing features of independent claim 14. Applicant respectfully submits that Bruno also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 17 distinguishes over Ito in view of Bruno and requests that the 35 U.S.C. 103(a) rejection of claim 17 be withdrawn.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Pelissier. Claim 18 is dependent upon and includes the features of independent claim 14. As discussed with respect to independent claim 14, Ito fails to teach or suggest the aforementioned distinguishing features of independent claim 14. Applicant respectfully submits that Pelissier also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 18 distinguishes over Ito in view of Pelissier and requests that the 35 U.S.C. 103(a) rejection of claim 18 be withdrawn.

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Yeh. Claim 19 is dependent upon and includes the features of independent claim 14. As discussed with respect to independent claim 14, Ito fails to teach or suggest the aforementioned distinguishing features of independent claim 14. Applicant respectfully submits that Yeh also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 19 distinguishes over Ito in view of Yeh and requests that the 35 U.S.C. 103(a) rejection of claim 19 be withdrawn.

Claims 20-26, 28, and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of U.S. Patent No. 5,329,578 to Brennan et al. ("Brennan"). Independent claim 20 has been amended to clarify that the first record and the second record are available within the memory provided in the telecommunication apparatus. With regard to independent claim 20, the Office Action acknowledges that Ito fails to teach "a first record to

identify the remote telecommunication apparatus." The Office Action asserts that Fig. 1a, Fig. 2a, and column 11, lines 25-46 of Brennan teaches "a telephone number of a caller (i.e., first record) to identify the PCS subscriber 15 (i.e., remote telecommunication apparatus)." The Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ito to allow a first record to identify the remote telecommunication apparatus as taught by Brennan. The Office Action further asserts that the motivation for the modification is "to have doing so in order to determine any special treatment." Applicant respectfully submits that this motivation does not appear relevant to the present invention, as it is not clear what "special treatment" is being referred to in the Office Action.

Furthermore, Applicant respectfully submits that even if one of ordinary skill in the art were somehow motivated to combine the teachings of Ito and Brennan, he or she would not arrive at the invention of claim 20. Brennan describes keeping a record of subscribers in a service node 10 which receives communications from subscriber devices. In the system of Ito, communication from mobile units is received at a line controller 64. Thus, it appears that combining the teachings of Ito and Brennan as described in the Office Action could possibly arrive at an arrangement, wherein any record that might exist would be available in a device other than a telecommunication apparatus comprising a man-machine interface to a user of the telecommunication apparatus. In contrast, independent claim 20 claims a first and second record which is available in the memory of the telecommunication apparatus having the man-machine interface to the user of the telecommunication apparatus. Further, Applicant respectfully submits that Ito fails to teach or suggest a means for "receiving a second digital message from the remote telecommunication apparatus identified by said first record" as found in independent claim 20. Applicant respectfully submits that independent claim 20 distinguishes over Ito in view of Brennan and requests that the 35 U.S.C. 103(a) rejection of independent claim 20 be withdrawn.

Claims 21-26 and 28 are dependent upon and include the features of independent claim 20. As discussed with respect to independent claim 20, Ito in view of Brennan fails to teach or suggest the features of independent claim 20. For at least the reasons discussed with respect to independent claim 20, Applicant respectfully submits that claims 21-26 and 28 also

distinguish over Ito in view of Brennan and requests that the 35 U.S.C. 103(a) rejection of claims 21-26 and 28 be withdrawn.

Claim 32 is dependent upon and includes the features of independent claim 31. As discussed with respect to independent claim 31, Ito fails to teach or suggest the features of independent claim 31. Applicant respectfully submits that Brennan also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 32 distinguishes over Ito in view of Brennan and requests that the 35 U.S.C. rejection of claim 32 be withdrawn.

Claims 27 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Brennan and further in view of Macko. Claims 27 and 29 are dependent upon and include the features of independent claim 20. As discussed with respect to independent claim 20, Ito in view of Brennan fails to teach or suggest the distinguishing features of independent claim 20. Applicant respectfully submits that Macko also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claims 27 and 29 distinguish over Ito in view of Brennan and further in view of Macko and requests that the 35 U.S.C. 103(a) rejection of claims 27 and 29 be withdrawn.

Claim 30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Brennan and further in view of Yeh. Claim 30 is dependent upon and include the features of independent claim 20. As discussed with respect to independent claim 20, Ito in view of Brennan fails to teach or suggest the distinguishing features of independent claim 20. Applicant respectfully submits that Yeh also fails to teach or suggest these distinguishing features. Applicant respectfully submits that claim 30 distinguishes over Ito in view of Brennan and further in view of Yeh and requests that the 35 U.S.C. 103(a) rejection of claim 30 be withdrawn.

New claims 35-38 have been added. Applicant respectfully submits that the art of record fails to teach or suggest the features of new claims 35-38. Support for new claims 35-38 can be found at at least page 8, line 23 to page 9, line 9, line 13 of the application as originally filed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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